



United States Department of the Interior

OFFICE OF THE SECRETARY
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Memorandum

To: Bureau and Equivalent Office Human Resources Officers
Bureau Safety Managers
Bureau Workers' Compensation Coordinators and Specialists

From: *Sharlyn A. Grigsby*
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Director, Office of Human Resources

Subject: Departmental Policy on Workers' Compensation Return to Work Program

The Office of the Assistant Secretary-Policy, Management and Budget, Office of Human Resources, is issuing a new Personnel Bulletin to all Departmental offices establishing new policy for reemploying employees who have been injured while in the performance of duty. This new guidance establishes systematic practices and procedures for providing suitable employment to workers' permanently affected by work related injury or illness.

The attached Personnel Bulletin describes to all bureaus and equivalent offices an important employee benefit program, and is to be used when determining eligibility for the Federal Employees' Compensation Act (FECA) benefits.

If you have questions, please contact Carmen Craddock at (202) 208-0144 or by e-mail at Carmen_Craddock@doi.ios.gov

PERSONNEL BULLETIN NO. 09-02

SUBJECT: Workers' Compensation Return to Work Program

- 1. Introduction.** The Department of the Interior recognizes the value of our employees and is committed to their retention even when injuries and illness intervene and threaten their ability to work.
- 2. Purpose.** This bulletin establishes the Department's policy for reemploying injured workers and provides an overview of the rights and responsibilities of Department of the Interior (DOI) employees who come under the provisions of the Federal Employees' Compensation Act (FECA), as well as and the role of DOI management in the process. DOI employees should consult the Office of Workers' Compensation Programs (OWCP) for additional guidance.
- 3. Scope.** This chapter describes the different types of benefits for reemployment that may be provided depending on extent of the injury, such as limited or light duty assignments, vocational rehabilitation, and retention rights.
- 4. Policy.** It is the policy of the Department of the Interior that all employees with occupational injuries or illnesses are returned to work as quickly and safely as possible.
- 5. Authority.**
 - 5 U.S.C. 8101 Definitions
 - 5 U.S.C. 8106(a) Partial Disability
 - 5 U.S.C. 8107(a) Compensation Schedule
 - FECA PM 2-0814-4 Offers of Employment
 - FECA PM 2-0814.5 Refusal of job Offer
 - FECA PM 2-0814.10 Abandonment of Job
 - 20 C.F.R. Part 10.508 Payment of Relocation Expenses
- 6. Definitions.**
 - a. Traumatic Work-Related Injury.** A traumatic work-related injury is defined as a specific event or incident or a series of events or incidents within a single work day or work shift.
 - b. Occupational Disease or Illness.** An occupational disease is defined as a condition produced in the work environment over a period longer than one workday or shift.

7. Medical Evidence. The Workers' Compensation Specialist or Human Resources Specialist should monitor the employee's medical progress and duty status by obtaining periodic medical reports. Once a signed Medical Release Authorization form has been obtained from the employee, the manager may also contact the employee's physician concerning the work limitations imposed by the effects of the injury and possible work assignments. In addition, the manager should contact the employee at reasonable intervals to request periodic medical reports addressing his/her ability to return to work. Medical Release Authorization forms can be obtained from the Servicing Human Resources Office.

8. Forms. Duty Status Report, Form CA-17 is used to request information from a physician with regard to the employee's ability to work. This form is completed by the manager and the physician. Once completed by the physician, it should be returned to the manager to support the continuing period of disability or to state the work capabilities and limitations, if applicable. Copies of the CA-17 should also be provided to the servicing workers' compensation specialist and human resources office.

9. Responsibility.

A. Employees. If the employee can resume regular work, he/she must do so. The employee will:

(1) Arrange for submission of medical evidence to substantiate claims as soon as possible after medical examination and within 10 calendar days of the date of the injury in order to ensure continuing eligibility for Continuation of Pay (COP) using appropriate Workers' Compensation forms available;

(2) Advise the physician of the availability of light or limited duty when notified of such by the supervisor and ask the physician whether and when he or she will be able to return to work on a regular schedule or a limited schedule;

(3) Keep the immediate supervisor informed of the injured employee's medical status and recovery, including the anticipated date of returning to work on a regular schedule or limited schedule; and

(4) Respond positively to suitable job offers consistent with his/her physical limitations. (Note: An employee's unreasonable or unjustifiable refusal to accept a suitable job offer will automatically terminate any further FECA program benefits. While medical benefits would continue, compensation would not.)

Continuation of pay (COP) or compensation may be terminated if the employee refuses work that is within his/her medical restrictions.

B. Supervisors. If the employee cannot perform his/her regular work due to partial disability from the effects of the work-related injury, the supervisor will:

(3) Assist employees with returning to work as soon as possible by offering medically appropriate light or limited work duties; and

(4) Accommodate employee's medical needs resulting from work related injuries, making accommodations for the limitations imposed due to the injury.

C. Workers' Compensation Specialists. Responsible for the day-to-day administration of the FECA within their assigned bureaus. The workers' compensation specialist maintains case files documenting the history and status of bureau employees receiving Workers' Compensation benefits. The workers' compensation specialist will:

(1) Notify the employee of their rights and obligation under FECA, including their obligation to submit medical evidence promptly and provide the employee with description of work restrictions where light or limited duty is available;

(2) Work closely with the claimants, bureau managers, human resources staff, and DOL claims examiners to ensure the employee receives timely benefits and any vocational rehabilitation they may need to recover and resume medically appropriate employment;

(3) Assist the employee in completing Workers' Compensation claim forms in order to reduce errors and omissions that may delay payment of a valid claim;

(4) Request employees provide them with periodic medical information from their physician, at reasonable intervals;

(5) Monitor the injured worker's rehabilitation status in conjunction with employee's supervisor or manager to ensure employees are offered opportunities to return to work;

(6) Assist employee with returning to work as soon as possible by offering medically appropriate limited or light work duties during recovery;

(7) Provide and track continuation of pay (COP) if employees are unable to return to work; and

(8) Prepare necessary documentation for controverting questionable claims.

D. Bureau Coordinators. In collaboration with the Department of Labor, Office of Workers' Compensation Programs (OWCP), bureau coordinators are responsible for active case management to ensure that employees and former employees are restored to duty as soon as their medical condition permits. The bureau coordinator will:

(1) Work with management to explore restructuring position descriptions to provide light duty assignments, and work with former employees who apply for priority consideration for restoration to duty;

(2) Work with the employee's former supervisor or manager, first, to seek placement in the previous office division or unit;

(3) Maintain an effective relationship with the DOL District Office and cooperate fully, to the extent possible, with DOL efforts to return injured workers to duty;

(4) Become familiar with the DOL nurse intervention program and other initiatives available to enhance case management and, ultimately, claimants' ability to resume employment;

(5) Provide DOL with the names of employees who have been on light-duty or limited-duty status for over three months; and

(6) Identify instances of potential fraud.

E. **Workers' Compensation Manager.** Responsible for ensuring the Department of the Interior and all bureau and offices meet the requirements of FECA and other applicable laws and regulations. The Department's workers' compensation program manager provides program oversight to ensure injured employees receive the compensation, medical and rehabilitation benefits, job accommodations, and reemployment rights to which they are entitled.

10. Job Offers. Fully recovered or partially disabled employees who have debilitating medical conditions as a result of the on-the-job injuries are obligated to seek suitable employment. Any employee who fails or refuses to accept suitable work when offered, or fails or refuses to seek suitable employment when no longer totally disabled, is not entitled to compensation benefits.

A. If the employee can perform restricted or limited duties, the bureau should determine whether such duties are available or whether an existing job can be modified. If so, the bureau must inform the employee in writing of the duties, the physical requirements and date of availability.

B. Supervisors must make every effort to find appropriate duty that meets the employee work restrictions.

C. The human resources office should match the limited duty as closely as possible to the injured employee's regular job.

D. For the best use of resources, every attempt should be made to offer the same rate of pay as in the job of record. If not, this could lead to continual compensation payments from the Department of Labor (DOL) for extended periods of time. This cost is charged back to DOI.

E. The assignment should result in a tangible product and should not be a "make work" job.

1. When major job modifications are involved, supervisors should work cooperatively with other departments, divisions and offices and business units within the bureau to locate suitable work when necessary.

2. Supervisors should follow a priority list in assigning light duty positions. It is most desirable to maintain the employee in the same type of position, within the regular tour of duty and in his/her regular post of duty. However, when work restrictions prohibit this, the following job elements with which to provide the employee suitable work should be applied in this specific order:

Priority	Regular Duties	Regular Tour of Duty	Post Duty Station
1	Within	Within	Within
2	Outside	Within	Within
3	Within	Outside	Within
4	Outside	Outside	Within
5	Within	Within	Outside
6	Outside	Within	Outside
7	Within	Outside	Outside
8	Outside	Outside	Outside

F. Supervisors should use the assistance of the Workers' Compensation Specialist, the next level supervisor and personnel staffing specialists in locating positions and accommodation devices for light duty jobs.

After a position is located, supervisors should prepare a written job offer for the employee's signature.

For a short-term partial disability in which the employee can perform his or her present job of record with some restrictions, the supervisor will provide a written light duty job offer.

For a long-term partial disability which involves major job modifications, the supervisor will provide a written job offer with letter of instruction.

11. Content of Job Offers. A complete copy of any job offer, including physical requirements, made to the employee should be sent to OWCP at the time it is made to the employee. OWCP will examine any employment offers to determine if they are suitable in light of the employee's current restrictions. All light duty/job offer letters must include the following information:

A. A description of the duties to be performed;

B. The specific physical requirements of the position and any special demands of the workload or unusual working conditions;

- A. A description of the duties to be performed;
- B. The specific physical requirements of the position and any special demands of the workload or unusual working conditions;
- C. The organization and geographical location of the job;
- D. The date on which the job will first be available;
- E. The salary, grade level and step of the position; and
- F. Signature response line and date it is required.

12. Acceptance of Job Offer. If the offer is accepted, the supervisor should immediately submit the employee's written acceptance and confirmation of return to duty date to the Workers' Compensation Specialist or Human Resources Officer (HRO).

13. Refusal of Job Offer. If the offer is declined, the supervisor should submit the letter and the declination to the Workers' Compensation Specialist or HRO. The designated workers' compensation specialist or HRO will work with the Department of Labor who will render a decision as to the suitability of the job offered or provide reasonable cause for the declination.

14. Relocation Expenses. 10.123(f) of the Office of Workers' Compensation Program's regulations provides that an injured employee who relocates to accept a suitable job offer after termination from the agency rolls may receive payment or reimbursement of moving expenses from the compensation fund. This provision further states that Federal travel regulations addressing permanent change of duty station (PCS) moves will be used to determine whether expenses claimed are reasonable and necessary.

Relocation expenses are payable whether the claimant still resides in the locale where he or she last worked and is offered employment in another area, or whether the claimant has moved away from the locale where he or she was employed and is offered employment in either the original area or a different one. Expenses may be paid for relocation to a temporary job as long as it is expected to lead to a permanent assignment, but may not be paid for relocation to a temporary job which is not expected to lead to a permanent assignment. The distance between the two locations must be at least 50 miles, but the claimant is not required to demonstrate financial need for relocation expenses to be paid.

Bureaus may want to include a description of the employee's entitlement to relocation expenses with the a position description of the job offer being to the OWCP district office before making a formal job offer so that suitability of the job and entitlement to payment of relocation expenses can be determined.

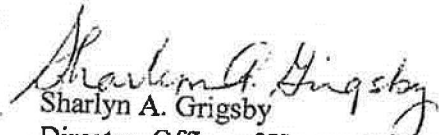
work efforts. These reviews will be conducted as deemed necessary by the Department's Workers' Compensation Program Manager.

These program reviews will examine Bureau/Office compliance with DOL and DOI requirements. This includes but is not limited to the bureaus' responsibility for:

- Monitoring new and long-term cases;
- Monitoring employees' status during periods of disability, and ensuring employees are returned to duty as soon as medically capable;
- Implementing bureau-wide rehire and return-to-work programs;
- Providing suitable job offers for employees with permanent disabilities resulting from work;
- Utilizing all available job network resources in the reemployment process and considering disabled claimants for current position vacancies; and
- Coordinating with the OWCP district offices to facilitate the vocational rehabilitation process in order to retrain and re-employ injured workers; and

16. Inquiries.

Questions should be directed to the respective Human Resources Office. Policy questions may be directed to Carmen Craddock at Carmen_Craddock@ios.doi.gov, or by phone at 202-208-0144.


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